REMARKS

Claims 37-72 are pending and under examination. Applicants have amended claim 72 in accordance with the Final Office Action's suggestion. No new matter has been introduced.

Regarding the Final Office Action

Applicants respectfully traverse the following actions:

(a) rejection of claim 72 under 35 U.S.C. § 101;

(b) rejection of claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,878,231 ("Baehr"); and

(c) rejection of claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Baehr in view of U.S. Patent No. 7,331,061 ("Ramsey").

Rejection of Claim 72 under 35 U.S.C. § 101:

The Final Office Action rejected claim 72 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. *See* Final Office Action, pp. 2 and 4. Specifically, the Final Office Action alleges that when interpreted broadly, "a 'computer readable medium' can be any means that include propogat[ion] and transmission signals, which are non-eligible subject matter." *Id.* at 2. The Final Office Action also suggests amending claim 72 to recite "[a] non-transitory computer readable storage medium" (emphases added). *Id.* at 4. In response, Applicants have amended claim 72 consistent with the Final Office Action's suggestion, and request withdrawal of the rejection.

Rejection of Claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 102(b):

Applicants request reconsideration and withdrawal of the rejection of claims 37-39, 46-51, 54-56, 63-68, 71, and 72 under 35 U.S.C. § 102(b) as being anticipated by Baehr. *See* Final Office Action, pp. 5-9.

Baehr does not disclose each and every element of Applicants' claims. Specifically, Baehr does not disclose or suggest at least Applicants' claimed "running said communication entities directed toward said test system on said test facilities to detect possibly adverse effects on said test system; and . . . ii) in the absence of an adverse effect, allowing, by said test system, the communication entities not having the adverse effect to communicate with said set of machines," as recited in claim 37 (emphases added).

The Final Office Action cites to col. 6, lines 50-59, col. 7, lines 16-21 and 39-43, col. 10, lines 19-34, and Fig. 11, steps 990 and 1010 of Baehr, alleging that these portions of Baehr disclose the feature "in the absence of an adverse effect, allowing, by said test system, the communication entities not having the adverse effect to communicate with said set of machines," recited in claim 37. *See* Final Office Action, pp. 3 and 6. This is incorrect.

Baehr's system uses a proxy network that "mirror[s] a subset of those [hosts and services] found on [a] private network" to protect the private network from being intruded by an outside user. *See* Baehr, Abstract. Baehr discloses that if a "packet's intended destination is a host machine on the private network, it may instead be sent aside to a preconfigured host machine on the proxy network, which executes appropriate operations that the actual host would execute." *Id.*, col. 2, lines 25-29. When an outside user sends requests to the private network, the outside user's requests are met by the proxy network rather than the actual private network. *See id.*, col. 8, lines 36-46. Thus, the proxy network prevents the outside user "from actually accessing the private network." *Id.*, col. 8, line 46. Indeed, Baehr's system never allows the user's requests or a packet sent by the user containing the requests to actually reach the private network, which are replicated and protected by the proxy network.

The Final Office Action cites to col. 6, lines 50-59 of Baehr. This portion of Baehr discloses that "a packet whose source address is identified as a host on private network 330

should not arrive at network interface 425 (in Fig. 6) for the public network 350; if it does, this is an indication that an intruder may be attempting to breach the private network by masquerading as a trusted host. In this case, the screen 340 should drop the packet without reply." The Final Office Action infers that Baehr discloses that "otherwise, the screen will not drop the packet[, but rather, will] forward[] the packet to [its] destination." However, according to Baehr, the alleged "destination" that the packet will be forwarded to is not the actually intended destination, the private network. Rather, the "destination" the packet will be forwarded to by the screen 340 is the proxy network, which replicates the private network, and which "execute[s] appropriate operations upon [t]he packet[] as if the proxy hosts were the actual, intended destination server[]." Baehr, col. 8, lines 15-17. As discussed above, Baehr's system never allows the packet sent by the outside user whose intended destination is the private network to actually reach the private network. The packet is merely forwarded to the proxy network, where the packet is processed and user's requests are met.

The Final Office Action also cites to col. 7, lines 16-21 of Baehr. This portion discloses that packets will be dropped by the screen 340 if it is decided that "no packets from (or to) any source that is not cleared in advance will be allowed in." This portion of Baehr, however, does not disclose or suggest that the packet will be allowed to communicate with the private network.

The Final Office Action also cites to col. 7, lines 37-43 of Baehr. *See* Final Office Action, pp. 3 and 6. This portion of Baehr discloses that "[a]nother action can [] be to simply pass the packet through to its destination, with or without some alteration based upon predetermined criteria. For instance, it may be decided in advance that all packets from a given host inside private network 330 will have the userid or host ID stripped off, and the packet may be passed through with some other IP source addresses." This portion of Baehr, however, does

not disclose or suggest that the packet sent by the outside user will be allowed to communicate with the private network.

The Final Office Action further cites to col. 10, lines 19-34 and Fig. 11 of Baehr. *See* Final Office Action, pp. 3 and 6. Baehr discloses that "[w]hen a packet is sent by a host on, for instance, public network 350, it is received at port (interface) 425 of the screen 340." Baehr, col. 10, lines 4-6. Then, "[t]he packet inspector [600] inspects the contents of the packet as described [in] box 810." *Id.* at col. 10, lines 7-8. Fig. 11 of Baehr illustrates "[o]ne embodiment suitable for implementing packet inspection" (*Id.* at col. 10, lines 11-12), which "may be carried out by the [packet inspector] 600" included in the screen 340 (*Id.* at col. 10, lines 41-42), as shown in Fig. 9. Fig. 9 of Baehr shows that when a packet is received from the public network 350, the packet is inspected by the packet inspector 600. *See also* Baehr, col. 9, lines 26-30.

Although Baehr discloses establishing a connection at box 990 and checking the connection at box 1010 (*see* Baehr, Fig. 11 and col. 10, lines 29-30 and 32-33), the "connection" refers to the connection between the public network 350 and the packet inspector 600. Baehr does not disclose or suggest, neither at col. 10, nor in Figs. 10 and 11, that the packet from the public network 350 is allowed to communicate with the private network 330. In fact, from the function of the proxy network 430 as discussed above, even if the connection between the public network 350 and the packet inspector 600 is established, and even if the packet is further passed by the screen 340 to the proxy network 430, the packet will only be processed by the proxy network 430, which replicates the actual private network 330. The packet, however, will not be allowed to reach the private network 330. According to Baehr's disclosure, the packet from the public network 350 is never allowed to actually communicate with the private network 330.

Therefore, Baehr does not disclose or suggest, among other features, "running said communication entities directed toward said test system on said test facilities to detect possibly

adverse effects on said test system; and . . . ii) in the absence of an adverse effect, allowing, by said test system, the communication entities not having the adverse effect to communicate with said set of machines," as recited in claim 37 (emphases added). Accordingly, Baehr does not anticipate independent claim 37 under 35 U.S.C. § 102(b). Thus, independent claim 37 should be allowable over Baehr. Although of different scope, independent claim 54 recites features similar to those recited in claim 37. Therefore, independent claim 54 should be allowable over Baehr for at least the same reasons discussed above in connection with claim 37. In addition, dependent claims 38, 39, 46-51, 55, 56, 63-68, 71, and 72 should be allowable at least by virtue of their respective dependence from base claim 37 or 54, and because they recite additional features not disclosed in Baehr. Accordingly, Applicants request withdrawal of the rejection.

Rejection of Claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawn of the rejection of claims 40-45, 52, 53, 57-62, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Baehr in view of Ramsey.

As explained above, Baehr does not disclose or suggest, among other features, at least Applicants' claimed "in the absence of an adverse effect, allowing, by said test system, the communication entities not having the adverse effect to communicate with said set of machines," as recited in claim 37 (and similarly in claim 54).

Ramsey does not cure the deficiencies of Baehr, because Ramsey does not teach or suggest, among other features, "providing a test system comprising test facilities replicating at least one of said machines in said set . . . [and] running said communication entities . . . on said test facilities to detect possibly adverse effects on said test system; . . . and ii) in the absence of an adverse effect, allowing, by said test system, the communication entities not having the

adverse effect to communicate with said set of machines," as recited in claim 37 (and similarly in claim 54).

Therefore, Baehr and Ramsey, taken either alone or in combination, do not teach or suggest at least the above-quoted recitations of independent claims 37 and 54. Thus, independent claims 37 and 54 are nonobvious and should be allowable over Baehr and Ramsey. In addition, dependent claims 40-45, 52, 53, 57-62, 69, and 70 are nonobvious and should be allowable at least by virtue of their respective dependence from base claim 37 or 54, and because they recite additional features not taught or suggested in Baehr and Ramsey. Accordingly, Applicants respectfully request withdrawal of the rejection.

Conclusion

Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 37-72 are in condition for allowance, and Applicants request a favorable action.

The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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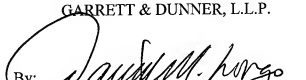
By: 

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